BRUNSWICK CITY COUNCIL AGENDA

Brian Ousley At-Large	Nicholas Hanek Ward 2	Patricia Hanek At-Large	Kenneth Fisher Law Director	Carl S. DeForest City Manager	Ron Falconi Mayor	Fijabi Julien-Gallam Council Clerk	Michael Abella Jr. Ward 1	Andrea Rodriguez Ward 3	Joseph Delsanter At-Large	Anthony Capretta Ward 4

Administration Representatives

NOVEMBER 11, 2019
7:30 PM
IN COUNCIL CHAMBERS

1. Prayer and Pledge of Allegiance

2. Roll Call of Members

3. Correspondence

4. Approval of Minutes

   (a) Regular Council Meeting Minutes dated October 28, 2019

5. Mayor's Report:

   (a) Mayor's Court Financial Report for the month ending October 2019 will be posted on the website and added to the minutes for the record;

   (b) Mayor's recommendation to appoint Kevin Koeliker to the Building Board of Appeals to fulfill a 3-year term expiring November 28, 2022;

   (c) Mayor's Update

6. Clerk of Council's Report

7. Council Committee Reports:

   Economic Development Committee.....Mr. Hanek

   Economic Development Committee Minutes dated October 28, 2019

   Services, Utilities, Technology & Cable Committee.....Mrs. Rodriguez

   Finance Committee.....Mrs. Hanek

   Safety & Environment Committee.....Mr. Ousley

   Planning & Zoning Committee.....Mr. Delsanter

   Planning and Zoning Committee Minutes dated October 17, 2019

   Planning and Zoning Committee Minutes dated October 28, 2019

   Parks, Recreation & Community Committee.....Mr. Abella Jr.

   Building & Building Code Committee.....Mr. Capretta

8. Other Boards and Commissions

   (a) Committee of the Whole Meeting Minutes dated October 28, 2019

9. Petitions from the Public on Legislation

10. Reading of Legislation and Action on Legislation:

a. 3rd Reading(s)

ORD. NO. 70-19 - An ordinance authorizing the City Manager/Safety Director to enter into an agreement with the Brunswick City School District to compensate the Brunswick City School District for tax revenue lost as a result of exemptions to taxation on certain real properties for the fiscal years 2019, 2020, 2021 and 2022. - **3rd Reading** (Finance Committee, *Administration/Todd Fischer*)

b. 2nd Reading(s)

ORD. NO. 74-19 - An ordinance approving the revised detailed site plan for the Sanctus, LLC senior development located in the Senior Development Special Planning District NO. 5. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

RES. NO. 75-19 - An emergency resolution authorizing the City Manager to enter into an agreement with W.B. Mason for the provision of office supplies for a period of one (1) year from January 1, 2020 through December 31, 2020, with two (2) separate one (1) year renewal options. - **2nd Reading** (Committee-of-the-Whole, *Administration/Jim Foster*)

ORD. NO. 77-19 - An ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for warehousing and motor freight garages and truck or transfer terminal uses in the I-L Light Industrial District and the issuance of such approvals. - **2nd Reading** (Economic Development Committee, *Administration/Nicholas Hanek*)

ORD. NO. 78-19 - An ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for multi-family dwelling units in all zoning districts and the issuance of such approvals. - **2nd Reading** (Economic Development Committee, *Administration/Nicholas Hanek*)

c. 1st Reading(s)

ORD. NO. 79-19 - An emergency ordinance to formally close the Medina County Safe Communities Fund (#137), the OPWC Hadcock Phase III Fund (#367), and the Center Road Resurfacing Fund (#369) - **1st Reading** (To be brought from Finance Committee, *Administration/Lynnette Ozanich*)

RES. NO. 80-19 - An emergency resolution ratifying and confirming the renewal of the existing agreement with the Medina County Public Defender Commission and the Medina County Commissioners for Indigent Defense Services in Medina Municipal Court for municipal code violations from January 1, 2020 through December 31, 2020. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

RES. NO. 81-19 - A resolution permitting the City Administration to sell, through public internet auctions, personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired for the year 2020. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Jim Foster*)

RES. NO. 82-19 - An emergency resolution authorizing the City Manager to purchase Cisco switching equipment from SHI, Inc. in an amount not to exceed $45,500.00. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/ Robert Marok*)

RES. NO. 83-19 - An emergency resolution authorizing the City Manager to purchase a replacement storage area network from SHI, INC. in an amount not to exceed $65,000.00. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/ Robert Marok*)

RES. NO. 84-19 - An emergency resolution authorizing the City Manager to enter into an agreement with Matt Winters Excavating, LLC for the service garage trench drain replacement project in an amount not to exceed $59,505.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/ Matt Jones*)

11. City Manager's Report

12. Administrative Departments

13. Open Forum

14. Unfinished Business

15. New Business

    (a) Consideration of a new liquor permit from Neiner Group LLC, DBA 9ERS Diner, at 63 Pearl Road, Brunswick, Ohio 44212.

16. Adjournment

CITY OF BRUNSWICK, OHIO

MINUTES OF COUNCIL

MONDAY, OCTOBER 28, 2019

Prayer and Pledge of Allegiance: The regular meeting of Brunswick City Council was called to order by Mayor Ron Falconi at 7:30 p.m. at the Municipal Complex.

Roll Call of Members showed the following Council Members present: Anthony Capretta, Andrea Rodriguez, Brian Ousley, Joseph Delsanter, Michael Abella Jr., Nicholas Hanek, and Patricia Hanek

Others Present: Mayor Ron Falconi, Clerk of Council Fijabi Julien-Gallam, City Manager Carl S. DeForest, and Law Director Ken Fisher.

Correspondence: There was none.

Approval of Minutes:

Michael Abella Jr. moved to approve the regular City Council Meeting dated October 14, 2019, as written, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Anthony Capretta, Andrea Rodriguez, Brian Ousley, Joseph Delsanter, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

Mayor's Report:

Proclamation for Richard Atkinson:

Mayor Ron Falconi presented a proclamation to Richard Atkinson and expressed his appreciation for Richard Atkinson's distinguished service.

Proclamation to honor Keith Decumbe as Firefighter of the Year 2019:

Mayor Ron Falconi presented a proclamation to recognize Firefighter Paramedic Keith Decumbe as the 2019 Firefighter/Paramedic of the Year. Mayor Falconi expressed his deep appreciation for Mr. Decumbe's distinguished service and wished him continued success in all his future endeavors.

Mr. Decumbe thanked the fire department for the recognition.

Proclamation for the three large donations to the Brunswick Food Pantry - Bread of Brunswick, Fraternal Order of Eagles #3505, and Brunswick Post Office Worker:

Mayor Ron Falconi presented a proclamation to Mark Simonitis for making a large donation to the Brunswick Food Pantry. On May 5, 2019, the Bread for Brunswick Benefit Concert raised

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$10,600 for the Brunswick Food Pantry.

Mayor Ron Falconi presented a proclamation to the Fraternal Order of Eagles #3505. In 2019, the Fraternal Order of Eagles #3505 raised $13,109 for the Brunswick Food Pantry. The Fraternal Order of Eagles #3505 was not present at the meeting to accept the proclamation.

Mayor Ron Falconi presented a proclamation to the Post Office Workers in Brunswick. In May 2019, the Brunswick US Postal Office donated thousands of pounds of food to the Brunswick Food Pantry.

Then Brunswick Food Pantry representatives thanked the organizations and the city for donating.

Motion to appoint Steven Girard to the Ethics Board to fulfill a 3-year term expiring October 10, 2022:

Joseph Delsanter moved to appoint Steven Girard to the Ethics Board to fulfill a 3-year term expiring October 10, 2022, seconded by Anthony Capretta. Roll Call - Ayes - 7, Anthony Capretta, Andrea Rodriguez, Brian Ousley, Joseph Delsanter, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

Clerk of Council's Report:

Clerk of Council Fijabi Julien-Gallam remarked that NOPEC is sending letters to all homes in Brunswick starting October 31, 2019, to inform residents that they will continue to be a NOPEC member unless they wish to opt-out for gas and electric. Information regarding the letter from NOPEC is available on the City's website. Brunswick is a NOPEC community for both gas and electric aggregation. More information about these services is available at NOPEC.org or at phone number 855-667-3201.

Mrs. Gallam announced that November 1, 2019, is Extra Mile Day in the City of Brunswick to acknowledge all those who are inspirational in their efforts to make the world a better place. November 4, 2019, is Color the World Orange Day in the City of Brunswick to raise awareness about CRPS (Complex Regional Pain Syndrome).

Council Committee Reports:

Economic Development Committee.....Mr.Hanek:

Nicholas Hanek moved to approve the Economic Development Committee formal report dated October 15, 2019, as amended, seconded by Patricia Hanek. Roll Call - Ayes - 7, Anthony Capretta, Andrea Rodriguez, Brian Ousley, Joseph Delsanter, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

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Services, Utilities, Technology & Cable Committee.....Mrs. Rodriguez:

Mrs. Rodriguez had no formal reports this evening.

Finance Committee.....Mrs.Hanek:

Patricia Hanek moved to approve the Finance Committee formal report dated October 14, 2019, as written, seconded by Joseph Delsanter. Roll Call - Ayes - 7, Anthony Capretta, Andrea Rodriguez, Brian Ousley, Joseph Delsanter, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

Safety & Environment Committee.....Mr.Ousley:

Brian Ousley moved to approve the Safety & Environment Committee formal report dated October 7, 2019, as written, seconded by Andrea Rodriguez. Roll Call - Ayes - 7, Anthony Capretta, Andrea Rodriguez, Brian Ousley, Joseph Delsanter, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

Planning & Zoning Committee.....Mr. Delsanter:

Joseph Delsanter moved to approve the Planning and Zoning Committee formal report dated May 31, 2019, as written, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Anthony Capretta, Andrea Rodriguez, Brian Ousley, Joseph Delsanter, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

Parks, Recreation & Community Committee.....Mr. Abella Jr.:

Mr. Abella Jr. had no formal reports this evening.

Building & Building Code Committee.....Mr. Capretta:

Mr. Capretta had no formal reports this evening.

Other Boards and Commissions:

Michael Abella Jr. moved to approve the Committee-of-the-whole minutes dated September 23, 2019, and October 14, 2019, as written, seconded by Anthony Capretta. Roll Call - Ayes - 7, Anthony Capretta, Andrea Rodriguez, Brian Ousley, Joseph Delsanter, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

Petitions from the Public on Legislation: There was none.

Reading of Legislation and Action on Legislation:

3rd Reading(s) There was none.

2nd Reading(s)

ORD. NO. 70-19 - An ordinance authorizing the City Manager/Safety Director to enter into an agreement with the Brunswick City School District to compensate the Brunswick City School District for tax revenue lost as a result of exemptions to taxation on certain real properties for the fiscal years 2019, 2020, 2021 and 2022. - **2nd Reading** (Finance Committee, *Administration/Todd Fischer*):

ORD. NO. 70-19 - Mrs. Hanek moved this ordinance to third reading.

1st Reading(s)

ORD. NO. 74-19 - An ordinance approving the revised detailed site plan for the Sanctus, LLC senior development located in the Senior Development Special Planning District NO. 5. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*):

ORD. NO. 74-19 - Mr. Delsanter moved this ordinance to a second reading.

RES. NO. 75-19 - A resolution authorizing the City Manager to enter into an agreement with W.B. Mason for the provision of office supplies for a period of one (1) year from January 1, 2020 through December 31, 2020, with two (2) separate one (1) year renewal options. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Jim Foster*):

RES. NO. 75-19 - Mr. Abella Jr. moved this resolution to second reading.

RES. NO. 76-19 - An emergency resolution providing for temporary relief from the temporary sign regulations contained in City of Brunswick Codified Ordinance Section 1270.10 by waiving the number of temporary special event sign permits permitted in Commercial and Industrial Zoning Districts and durational requirements for display. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*):

Joseph Delsanter moved to suspend the rules, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Anthony Capretta, Andrea Rodriguez, Brian Ousley, Joseph Delsanter, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

Community and Economic Development Director Grant Aungst remarked that this resolution is to allow the businesses in the community to advertise during the holidays.

Joseph Delsanter moved to adopt Resolution Number 76-19, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Anthony Capretta, Andrea Rodriguez, Brian Ousley, Joseph Delsanter, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

ORD. NO. 77-19 - An ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for

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warehousing and motor freight garages and truck or transfer terminal uses in the I-L Light Industrial District and the issuance of such approvals. - **1st Reading** (To be brought from Economic Development Committee, *Administration/Nicholas Hanek*):

ORD. NO. 77-19 - Mr. Abella Jr. moved this ordinance to second reading.

ORD. NO. 78-19 - An ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for multi-family dwelling units in all zoning districts and the issuance of such approvals. - **1st Reading** (To be brought from Economic Development Committee, *Administration/Nicholas Hanek*):

ORD. NO. 78-19 - Mr. Hanek moved this ordinance to a second reading.

City Manager's Report:

<u>City Manager Carl DeForest</u>

- Thanked Richard Atkinson for attending the meeting this evening. Mr. DeForest expressed his appreciation for Mr. Atkinson's volunteering efforts.
- Reminded everyone to get more information about the Safety Levy before they vote on Tuesday, November 5, 2019. The Safety Levy is changing from a 5-year levy to a continual levy. The levy is not an increase. The Safety Levy is to maintain fire and police service.
- Encouraged everyone to attend the Veterans Day Ceremony on Monday, November 11, 2019, at 11:00 a.m., at City Hall.
- Remarked that leaf collection has started and the service workers are going by wards.
- Added that the North Carpenter Road project and the Laurel Road project is on schedule. Both roads should be opened up in the middle of December.

Administrative Departments:

<u>Police Lieutenant Bob Safran</u>

- Remarked that someone in the community acted on the *See Something, Say Something Campaign*. A member of the community reported suspicious activity in the K-Mart Plaza. This situation led to arresting a 41-year-old and a 36-year-old man for stolen property and other charges.
- Announced that Halloween is on Thursday, October 31, 2019. Trick-or-Treat times are from 6:00 p.m. to 8:00 p.m. The police officers are scheduled to patrol the neighborhoods during Trick-or-Treat hours.

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Fire Chief Josh Erskine

- Remarked that the Division of Fire has responded to 2,743 calls for service as of October 28, 2019. This is an average of 9.1 calls a day.
- Added that the Division of Fire staff painted 168 fire hydrants.
- Added that the Division of Fire conducted 272 safety inspections in the community.
- Announced that the Division of Fire is participating with the American Red Cross on the *Operation Save a Life Program*. This partnership would result in providing smoke detectors throughout the community for those in need and free batteries.
- Advised the residents to change their smoke detector batteries when the clocks during daylight savings.
- Thanked everyone who attended the first Annual Ice-Cream Social during the Division of Fire open house. Chief Erskine remarked that 20 kids won the color contest.

Community and Economic Development Director Grant Aungst

- Remarked that K-mart is expected to close at the end of 2019. The City does not own the K-mart property.
- Added that Chick-fi-A is working with the Planning Department to get their plans finalized. The business is expected to open in the summer of 2020.
- Added that Controlled Access, Inc. is moving along with its plans in Industrial Parkway South. They expect to be operational in their facility in early November 2019.
- Remarked that Ambrose Crossing on Pearl Road is a facility for preschool, professional offices, and a multi-use sports court.

Open Forum:

Appreciation for the Division of Fire

Mickie Petrenko, at 3771 Magnolia Drive, thanked the Division of Fire for saving her neighbors home. Ms. Petrenko thanked all the first responders in observance of National First Responders Day. Ms. Petrenko asked the residents to support and vote for Issue 13, the Safety Levy. She noted that the city needs to have safety forces, and they need a budget to service the community annually. She noted that the Safety Levy is not an increase; it is to maintain the current safety forces.

Unfinished Business:

Councilman Joseph Delsanter expressed that the Division of Fire did an amazing job by preventing the fire from spreading further into the house and the neighborhood on Magnolia Drive. Mr. Delsanter remarked that the owners of the house showed true grit in this difficult time.

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Councilman Nicholas Hanek echoed Mr. Delsanter's comments. Mr. Hanek encouraged the residents to vote favorably on Issue 13 regarding the city's safety forces. He noted that it is important to maintain stability and the image of Brunswick by keeping the safety forces strong and the city safe. Mr. Hanek urged the residents to vote "yes" on Issue 13.

New Business:

Councilman Brian Ousley remarked that in the past, he proposed resolutions on the floor supporting anything that deals with the middle class. He added that the last resolution was in support of the United Steel Workers, in which 85 of the members live in Brunswick. Mr. Ousley remarked that the UAW (United Auto Workers) contract is still in negotiation. Mr. Ousley added that there are 323 retired and active UAW people that live in Brunswick - 108 out of 323 are active members of UAW. UAW Local 1250 and UAW Local 1005 are the majority of active members to be followed by UAW Local 1050 and UAW Local 70. Mr. Ousley expressed his willingness to help anyone in need, and he is available at 330-273-3164. He believed that all union members should get the justice that they deserved.

Adjournment:

Michael Abella Jr. moved to adjourn, seconded by Nicholas Hanek. Roll Call - Ayes - 7, Anthony Capretta, Andrea Rodriguez, Brian Ousley, Joseph Delsanter, Michael Abella Jr., Nicholas Hanek, Patricia Hanek. Nays - 0. Motion Carried.

There being no further business, the meeting adjourned at 8:03 p.m.

Respectfully submitted,

Fijabi Julien-Gallam, CMC

Clerk of Council

_____

Mayor Ron Falconi

_____

Adopted

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November 1, 2019

TO: CITY COUNCIL
FROM: CLERK OF COURTS
RE: MONTHLY REPORT TO COUNCIL PER O.R.C.
FOR THE MONTH OF OCTOBER 2019

WAIVERS/COURT/BONDS

DEPOSITS (October) 45,457.76
DEBITS (October) (46,022.76)

Checks to be written in October:

Treasurer State of Ohio	$ 9,054.00
City of Medina MIATF	$ 75.00
City of Medina IDATF	$ 283.00
City of Brunswick Finance Dept/Police Fund *	$34,975.76
Misc Checks (bond refunds & transfers/restitution)	$ 1,635.00
TOTAL for the month	$46,022.76

*Check includes amounts to: Court Computer Fund and Education & Enforcement Fund

Service Charges/Fees for prior month $415.90

MAYOR RONALD FALCONI

TERESA BENO, CLERK OF COURTS

NOV 08 2019

APPLICATION FOR
BOARDS AND COMMISSIONS

NAME Kevin Koelliker PHONE 216 244-6077

STREET 1172 Mulberry Lane CELL 216 244-6077

Years of Residency 15 Registered Brunswick Voter: YES ✓ NO ___

POSITIONED DESIRED Building Code Appeals EMAIL Kevin.Koelliker@Verhill.com

EDUCATION DEGREE YEAR GRADUATED

HIGH SCHOOL Garfield HTS

COLLEGE Cleveland State

SPECIAL TRAINING Electrical Codes + Safety OSHA

CURRENT EMPLOYMENT

Company	Address	Title	Dates
Verhill Associates		Sales Engineer	95-Present

RELEVANT PAST EMPLOYMENT

Company	Address	Title	Dates
Cleveland Illuminating Co.		Lineman	71-87
Hatfield Electric		Project Manager	87-95

RELEVANT PROFESSIONAL ASSOCIATIONS, COMMUNITY SERVICE, OR SOCIAL AFFILIATIONS

IBEW Local 71

IBEW Local 270

REFERENCES (other than relation):

NAME	ADDRESS	PHONE
1. Tony Caretta		
2.		
3.		

QUALIFICATIONS AND DESIRE FOR SERVING: (Attach sheet if needed*)

Keeping all codes and standards keeping Brunswick moving forward

Also consider concerns of the residents needs

ATTACH RESUME IF DESIRED.

Signature: Kevin Koelliker Date: 7-30-2019

*Attaching a cover letter or resume describing particular experience or qualifications bearing on the position sought is recommended, but not required.

ECONOMIC DEVELOPMENT

October 28, 2019

IN ATTENDANCE: Chairman Nicholas Hanek, Committee Member Patricia Hanek, Committee Member Brian Ousley, Community & Economic Development Director Grant Aungst, Joseph Delsanter, Andrea Rodriguez, Michael Abella Jr., Anthony Capretta, Service Director Paul Barnett, Law Director Kenneth Fisher, Envision Representative Emil Liszniansky, Council Clerk Fijabi Julien-Gallam.

The meeting convened at 6:26 p.m.

ORD. NO. 77-19 - An ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for warehousing and motor freight garages and truck or transfer terminal uses in the I-L Light Industrial District and the issuance of such approvals. - **1st Reading** (To be brought from Economic Development Committee, *Administration/Nicholas Hanek*)

ORD. NO. 78-19 - An ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for multi-family dwelling units in all zoning districts and the issuance of such approvals. - **1st Reading** (To be brought from Economic Development Committee, *Administration/Nicholas Hanek*)

Mr. Aungst advised that this is a continuation of the current moritoriums that the City has in place as described. This would assist in getting through all of the upcoming discussions regarding the updated Comprehensive Plan; as well as, continue to discuss more in depth future code and potential changes or updates. This would allow the City to be in a better position to do so effectively.

Mr. Ousley moved both ordinances jointly to tonight's Council Agenda of October 28, 2019, for three readings. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mrs. Hanek moved to adjourn at 6:28 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

Nicholas Hanek
Chairman

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PLANNING AND ZONING COMMITTEE

October 17, 2019

IN ATTENDANCE: Chairman Joseph Delsanter, Committee Member Andrea Rodriguez, Committee Member Nicholas Hanek, Community & Economic Development Director Grant Aungst, Planning & Zoning Coordinator Pam Plavecski, Engineer Matt Jones, Brunswick Resident.

The meeting convened at 6:16 p.m.

GENERAL DISCUSSION:

Mr. Aungst summarized that there have been discussions on the update to the Comprehensive Plan, in which everyone was sent a link. The plan will be reviewed at tonight's Planning Commission meeting, October 17th. After, Council could choose to go over the plan with their committee of choice if desired.

Mr. Hanek suggested separating in groups for different components of the plan for review. Mr. Aungst stated that the goal of the consultants on this was to have a working document to be in conjunction with the current plan; not to replace it. The consultants wanted to come up with a document while working with the community members that would be useful; it is not legally binding. Also, to take that information with the intent of updating the codified to be reflective of goals and objectives of Council. Mr. Aungst remarked that Planning Commission and BZA have done a very admirable job of helping drive the current plan and how it meets current ideas.

Mr. Hanek pointed out that the Economic Development Committee moved to extend the two moratoriums that the City has in place because of the time frame of the comprehensive plan. He raised question whether anything is expected in the Comprehensive Plan that would need taken care of for planning and zoning; before the New Year and Council is reconstituted.

Mr. Hanek commented that the City's largest parcel, the old Kmart plaza, has a lot of uncertainty in which no one is aware of what is happening. Mr. Delsanter asked whether the present owners hold any restrictions on future tenants. Mr. Aungst indicated that the present owners are not obligated to reveal information in the contracts of tenants to the City. He noted the specific reasons for the vacant area between Wendy's and Chase Bank; environmental development issues, as well contractual issues within the plaza. However, change is possible with the right development.

Mrs. Plavecski referred to Mr. Hanek's concern regarding the Kmart plaza (also known as North Town Center). She felt it would probably be the first area to hit for an overlaying zone. Mr. Hanek reiterated his question as to whether there is urgency for action while awaiting the Comprehensive Plan. Discussion ensued and Mr. Aungst remarked that tonight's meeting with Planning Commission would reveal more. In short, there is no action needed at this time. Mr.

Aungst stated that the moratoriums have been very effective. The motion for the extended moritoriums would be on the October 28th Council meeting for three readings.

Mr. Jones commented that the City's zoning code has a misleading term in regards to types of housing; the cluster homes referenced are not typically considered cluster homes. These are individually planted lots, separate homes with smaller lots with more open space. Mr. Delsanter questioned if correction can be made with the terms used for the zoning code. Mr. Hanek commented that this goes back to the need for budget and making expenditure for the code review. Mr. Delsanter remarked that if the City were to get an RFP (Request for Proposal), then discernment could be made as to whether Finance has room to do expenditure. Mr. Aungst recommended establishing a budgetary line prior to writing an RFP, also, to provide the best estimate possible so that there would be a place holder. Mr. Delsanter requested if Mr. Aungst could approach the City Manager regarding this since the budget review is coming up. Per discussion, Mr. Aungst indicated that he would make request on behalf of the committee.

Mr. Hanek stated that the City is inadequately codified for types of big scale plazas in the City. He suggested including this in discussions with the Law department. Mr. Delsanter elaborated on Mr. Hanek's point that as Brunswick has grown, the current zoning classifications may be less efficient for the kind of city Brunswick has become. There needs to be updates made.

Mrs. Plavecski commented about overlay districts; three of them have been suggested in the Comprehensive Plan. She felt it seems to be priority because the zoning code does not have anything for overlay district. The choice would be to apply the current zoning, or have a special planning district, or go for use variance.

Mr. Aungst indicated that the City should revisit the unresolved subject of chickens. There have been some calls received from people moving to the area and the City cannot supply them with answers in regards to owning chickens because there is nothing in the code as of yet. Mr. Hanek commented that he has received some nuisance complaints. Mr. Delsanter raised question of a draft. Mr. Aungst remarked that the legal department could produce a draft. Nothing would be firm until it goes in front of the Committee and Council.

Mr. Hanek stated that everyone present from his Ward at the last Council meeting stated that they were against having chickens entirely. Mr. Rodriguez shared that she just completed a Global Ecology class where there were a few people from Scotland, Turkey, as well as Northeast Ohio. She commented that having chickens and being self-sustaining by running permaculture farms is very popular at this time. She felt that it would be very unpopular to oppose what is taking place. Mrs. Rodriquez asked if there is a nuisance clause that could be implemented for the complaints. She does not understand the problem with chickens. Mr. Hanek mentioned that one chicken was close to a resident's property line and the noise in the mornings was a problem.

Mr. Delsanter felt that other's property must be respected. Mr. Hanek shared his legal opinion; based upon his extensive experience in practicing law, that the code currently does not permit

chickens. He felt that based on the interpretation of the Law department, as it reads, chickens are permitted.

Mrs. Rodriguez discussed further the Global Class she attended on running permaculture farms in Northeast Ohio, in which there were residents from Lakewood and Northeast Ohio. She felt strongly that people should be more self-sustaining and should be able to have chickens. A solution could be explored for those who cause a nuisance. Mrs. Rodriguez felt supported in limiting the number of chickens; however numbering them to six is too small. Mr. Delsanter agreed that there is a need to revisit this again in the near future.

Mr. Hanek clarified that he was not advocating a ban of chickens. He felt that he had a legal opinion and an interpretation of his own, which conflicts with the Law Department. Mr. Delsanter agreed with Mr. Hanek that the Law Department's perspective is not accurate. He commented that committee members have the right to write their interpretation of what is thought to be the right law.

Mr. Hanek felt that there is a logical number for chickens based on property; lot size has to be the key. He felt that accessory structures are an important point that needs regulation. He commented on the urgency to solve the issue of chickens in a timely manner.

Mr. Delsanter stated there are residents that have had their chickens for longer periods of time with no complaints. He agreed that resolution is needed.

Resident Angela Palumbo located at 1075 North Carpenter Road was present. She pointed out that the City of Lakewood allows some chickens; which they have properties much smaller than Brunswick.

Mr. Jones noted that there are usually HOA's where there are smaller lots, such as the newer cluster homes.

ADJOURNMENT:

Being no further business, Mrs. Hanek moved to adjourn at 6:59 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

Joseph Delsanter
Chairman

PLANNING AND ZONING COMMITTEE

October 28, 2019

IN ATTENDANCE: Chairman Joseph Delsanter, Committee Member Andrea Rodriguez, Committee Member Nicholas Hanek, Patricia Hanek, Michael Abella Jr., Mr. Brian Ousley, Anthony Capretta, Community & Economic Development Director Grant Aungst, Service Director Paul Barnett, Law Director Kenneth Fisher, Envision Representative Emil Lisznianskyy, Council Clerk Fijabi Julien-Gallam,

The meeting convened at 6:22 p.m.

Mrs. Rodriguez moved to excuse Mr. Delsanter for just cause. Vote – 3 Ayes, 0 Nays.

ORD. NO. 74-19 - An ordinance approving the revised detailed site plan for the Sanctus, LLC senior development located in the Senior Development Special Planning District NO. 5. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

Mr. Aungst explained that this entails the Sanctus property. It has been approved by Planning Commission and has returned to City Council due to some changes made to the lay out inside the building; Memory Care and Assisted Living Care areas were interchanged. Given that it is a Special Planning District, it would have to return to Council for three readings.

Mr. Delsanter arrived a few minutes late.

Mr. Hanek moved this ordinance to tonight's Council Agenda of October 28, 2019 for three readings. Vote – 3 Ayes, 0 Nays.

RES. NO. 76-19 - An emergency resolution providing for temporary relief from the temporary sign regulations contained in City of Brunswick Codified Ordinance Section 1270.10 by waiving the number of temporary special event sign permits permitted in Commercial and Industrial Zoning Districts and durational requirements for display. - **1st Reading** (To be brought from Planning & Zoning Committee, *Administration/Grant Aungst*)

Mr. Aungst indicated that this provides temporary sign relief. Generally this is to help promote businesses during the holiday season to increase awareness for the consumer. As the City shifts into more traditional holidays, the hope is for businesses to be as productive and effective as possible. Businesses still must apply for the permit; this helps speed up the process.

Mrs. Rodriguez moved this emergency resolution to tonight's Council Agenda of October 28, 2019 with suspension of the rules. Vote – 3 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

ADJOURNMENT:

Being no further business, Mr. Hanek moved to adjourn at 6:27 p.m. Vote – 3 Ayes, 0 Nays.

Respectfully submitted,

Joseph Delsanter
Chairman

COMMITTEE OF THE WHOLE MEETING

October 28, 2019

IN ATTENDANCE: Vice Mayor Michael Abella Jr., Nicholas Hanek, Andrea Rodriguez, Joseph Delsanter, Patricia Hanek, Brian Ousley, Anthony Capretta, City Manager/Safety Director Carl DeForest, Service Director Paul Barnett, Community & Economic Development Director Grant Aungst, Law Director Kenneth Fisher, Envision Representative Emil Liszniansky, Council Clerk Fijabi Julien-Gallam, News Media.

The meeting convened at 6:29 p.m.

DISCUSSION ITEMS:

Comprehensive Plan 2019

Mr. Aungst gave an update on the Comprehensive Plan in which Emil Liszniansky was present from Envision. The Comprehensive Plan was presented to the Planning Commission. It was discussed with a few minor questions and was moved on to Council.

Mr. Abella recommended that the Comprehensive Plan go to the Planning Committee. He also recommended that the Planning Committee and Economic Development Committee collaborate. Mr. Hanek agreed with Mr. Abella.

Mr. Delsanter moved that discussion of the Comprehensive Plan be moved on to the Planning Committee and jointly work with the Economic Development Committee. Vote – 7 Ayes, 0 Nays.

MOTION ITEMS:

Motion to approve the Programmatic Agreement for coordination between the City of Brunswick and the Ohio State Historic Preservation Office for the administration of programs using Housing & Urban Development (HUD) funds.

Mr. Aungst summarized that forthcoming contracts have been reviewed. This is simply an agreement for CDBG (Community Development Block Grant) funding which needs to be in place.

Mrs. Hanek moved to approve the Programmatic Agreement for coordination between the City of Brunswick and the Ohio State Historic Preservation Office for the administration of programs using Housing & Urban Development (HUD) funds. Vote – 7 Ayes, 0 Nays.

Motion authorizing the City Manager to enter into an agreement with AMV Turf LLC, DBA NEO Landscape Management for Supplemental Snow and Ice Services during

DRAFT

Emergency Conditions for a cost not to exceed $63,360.00. Requests for Proposals were advertised with one company responding.

Mr. Barnett advised that no action is needed today. He discussed ways to identify different avenues to prevent the same occurrence this season with regard to severe winter storms. Council had decided to review the option of supplemental contractors; which was option three. Therefore, the City obtained some Requests for Proposals. The prices were what was expected. The heavy equipment contractors agreed to come out and assist in emergency situations if needed. Neo was the only bidder. Mr. Fischer had some business with Neo, therefore declining his involvement with the motion. Santo Incorvaia assisted with the review.

Mr. Barnett remarked that Neo has done work for the City in the past. The price of $31,680.00 includes two winter storm occurrences. Predicting weather is difficult; estimation was made for two events per season for heavy snow and ice. The City would receive a crew for a 24 hour period, which should decrease time getting through the entire City to roughly 5 to 6 hours. Mr. Barnett commented that Neo would provide four drivers with trucks, a foreman, and a large loader. The loaders would be similar in size to those used for salt dumping. If the City goes in that direction, we would have to provide maps, especially for instruction for cul-de-sacs, mail boxes etc., and make sure that contractors are placed appropriately.

Mr. Ousley commented that he is totally against any motion authorizing to take jobs away in the City of Brunswick. He shared his concern about the expense, how it could provide other avenues such as an all year round hire; rather than solely for emergency weather. He continued that this would go against the CBA and that the City should be taking care of this service. He commented that it is not feasible, neither is it to have to go back and fix problem areas caused by contractors after driving through the City.

Mr. Hanek agreed that this topic needs further discussion. He reminded everyone what it was that brought this on; there were a lot of complaints about the ability to take care of this in a timely manner for the community. He was in agreeance with Mr. Ousley that it may be beneficial to consider taking care of these matters in-house.

Mr. Barnett made reference to other areas such as Wadsworth, Medina, and Strongsville stating that the City would need over three times the number of service workers to match the other communities. He remarked that although it would be great to have many more workers in the service department; affording it would be another problem. Mr. Barnett noted that years ago, Council decided to implement a full time fire department without a funding source; Therefore, every other division of the City had problems including layoffs. Police and fire are also low in number. Most of the surrounding communities that have higher staffing levels have service type levies on their property taxes, in which Brunswick does not.

Mr. Capretta reiterated that Council considered this option just for emergencies, and to explore the cost to take care of such events for the residents. He raised concern of the danger in City

workers working continuously and tirelessly. He commented that this would not take away jobs in Brunswick. It was simply to review for emergency situations only.

Mr. Delsanter interjected that as the population grows, residential properties grow and the residential money that is generated falls short by 6%. He noted that this is not about excluding City employees for these occurrences.

Mrs. Rodriguez raised question whether the Neo workers would have other contracts prior to coming to assist in emergencies. Her concern was whether the contractors would be rested prior to coming to the City. She also raised concern about the CBA as to whether there would be a breach.

Mr. Barnett indicated that he had met with all union members regarding this. He encouraged them to act if there was a known violation of any kind. The union entrusted it to their business agent where it was determined that it does not violate the contract; since City vehicles would not be utilized. He commented that work is not being taking away from the union. Two workers would not be enough for such storms especially with the amount of time they would require.

Mrs. Rodriguez asked that CBA be made aware of this motion. Mr. Barnett agreed they would be informed. Mr. Delsanter referred to Mrs. Rodriguez's concern; that contractors would in fact have other contracts. Mr. Barnett remarked that there is no guarantee that the contractors would be rested. He believed that any person working over on snow storms for several days on end would be exhausted as well.

Mr. Hanek moved to refer this issue to the Service Committee for further discussion. Vote – 7 Ayes, 0 Nays.

Motion authorizing a change order to Konstruction King, Inc. in the amount of $39,898.32 for the 2019 Concrete Repair Program.

Mr. Barnett reviewed the concrete and repair budget over the summer, which was about 8% over budget. Last winter with severe weather, there were many joint repairs that were anticipated. By the time they were acted on, there was need for slab replacements and total slab repair. The City was over budget by $39,898.00. Authorization is needed to increase the contract. This would also include the cost of engineering. Engineering receives a percentage of every contract; their increase is $2743.84.

Mrs. Hanek moved to authorize a change order to Konstruction King, Inc. in the amount of $39,898.32 for the 2019 Concrete Repair Program. Vote – 7 Ayes, 0 Nays.

REVIEW LEGISLATION:

RES. NO. 75-19 - A resolution authorizing the City Manager to enter into an agreement with W.B. Mason for the provision of office supplies for a period of one (1) year from January 1,

2020 through December 31, 2020, with two (2) separate one (1) year renewal options. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Jim Foster*)

Mr. Deforest reported that over a month ago, the City obtained two bids for office supplies. W.B. Mason was the lowest bidder; the current office supplier. Request is being made for authorization to accept the bid, which should indicate three readings and as an emergency at the third reading, so that purchases could be made in January.

Mr. Hanek clarified that it is not indicated as an emergency on the agenda.

Mr. Hanek moved this resolution amended to an emergency for three readings. The first reading being on tonight's agenda of October 28, 2019. Vote – 7 Ayes, 0 Nays.

GENERAL DISCUSSION:

There was none.

EXECUTIVE SESSION:

Motion to go into Executive Session to discuss the appointment, employment, dismissal, discipline, demotion, or compensation of a public employee.

Mr. Delsanter moved to go into Executive Session for the purpose to discuss the appointment, employment, dismissal, discipline, demotion or compensation of a public employee, seconded by Mrs. Hanek. Roll Call – Ayes – 7, Mr. Hanek, Mrs. Rodriguez, Mr. Abella, Mr. Capretta, Mr. Delsanter, Mrs. Hanek, Mr. Ousley. Motion Carried.

Mr. Hanek moved to adjourn out of Executive Session, seconded by Mrs. Hanek. Roll Call – Ayes – 7, Mr. Hanek, Mrs. Rodriguez, Mr. Abella, Mr. Capretta, Mr. Delsanter, Mrs. Hanek, Mr. Ousley. Motion Carried.

ADJOURNMENT:

Being no further business, Mr. Hanek moved to adjourn the Committee of the Whole Meeting at 7:20 p.m. Vote – 7 Ayes, 0 Nays.

Respectfully submitted,

Holly Quellos

Holly Quellos
Assistant Clerk of Council

DRAFT

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 11/11/2019

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Todd Fischer

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 70-19** - An ordinance authorizing the City Manager/Safety Director to enter into an agreement with the Brunswick City School District to compensate the Brunswick City School District for tax revenue lost as a result of exemptions to taxation on certain real properties for the fiscal years 2019, 2020, 2021 and 2022. - **3rd Reading** (Finance Committee, *Administration/Todd Fischer*)

BACKGROUND: The Brunswick City Council did create the Brunswick Community Reinvestment Area (CRA) and received state certification for same on February 9th, 1987; and

Ohio Revised Code Section 5709.82 provides that if a municipal corporation has acted under certain authority to grant or consent to the granting of an exemption to taxation for real or tangible personal property on or after July 1, 1994, the municipal corporation imposes a tax on incomes, and the payroll of new employees resulting from the exercise of such authority equals or exceeds one million dollars ($1,000,000.00) in any tax year for which such property is exempted, the legislative authority and the board of education of each city shall attempt to negotiate an agreement providing for compensation to the school district for all or a portion of the tax revenue the school district would have received had the property not been exempted from taxation; and

The City of Brunswick has acted under the authority provided by the Ohio Revised Code and pursuant to duly adopted Resolution No. 114-78, as amended by Resolution No. 101-09, by granting exemptions to taxation on real property on or after July 1, 1994; and

The City of Brunswick imposes a tax on incomes as defined by Ohio Revised Code Section 718 and Codified Ordinance Section 880; and

The payroll of new employees resulting from the granting of certain exemptions to taxation on real property equals or exceeds one million dollars ($1,000,000.00); and

The City of Brunswick and the Brunswick City School District are desirous of entering into an agreement for compensation to the Brunswick City School District relative to tax revenue the Brunswick City School District would have received had certain properties not been exempted from real property taxation for fiscal years 2019, 2020, 2021 and 2022.

PURPOSE AND EXPLANATION: See background.

IMPLEMENTATION SCHEDULE: Recommended passage to comply with the Ohio Revised Code and the negotiated arrangement detailed in Exhibit A.

FINANCIAL INFORMATION: Income Tax Revenue Sharing Payment 2019 (including "true-up" for 2018) - - General Fund - 001-0880-53209 - - 173045

FINANCIAL SUMMARY: Future year payments (2020-2022) will require sufficient Council appropriations to be in place prior to payment. Those appropriations should match the amounts listed in this agreement, provided the agreement is approved by City Council.

RECOMMENDED ACTION:

One Reading	Yes
Two Readings	Yes
Three Readings	Yes
Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?
It is the City's intent to make each annual payment to the Schools prior to year-end, or December 31st.

ADDITIONAL INFORMATION: See the terms included in Exhibit A (the Agreement).

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 70-19

By: Mrs. Hanek, Mr. Ousley and Mr. Delsanter

AN ORDINANCE AUTHORIZING THE CITY MANAGER/SAFETY DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE BRUNSWICK CITY SCHOOL DISTRICT TO COMPENSATE THE BRUNSWICK CITY SCHOOL DISTRICT FOR TAX REVENUE LOST AS A RESULT OF EXEMPTIONS TO TAXATION ON CERTAIN REAL PROPERTIES FOR THE FISCAL YEARS 2019, 2020, 2021 AND 2022.

WHEREAS: Ohio Revised Code Section 5709.82 provides that if a municipal corporation has acted under certain authority to grant or consent to the granting of an exemption to taxation for real or tangible personal property on or after July 1, 1994, the municipal corporation imposes a tax on incomes, and the payroll of new employees resulting from the exercise of such authority equals or exceeds one million dollars ($1,000,000.00) in any tax year for which such property is exempted, the legislative authority and the board of education of each city shall attempt to negotiate an agreement providing for compensation to the school district for all or a portion of the tax revenue the school district would have received had the property not been exempted from taxation; and

WHEREAS: The City of Brunswick has acted under the authority provided by the Ohio Revised Code and pursuant to duly adopted Resolution No. 114-78, as amended by Resolution No. 101-09, by granting exemptions to taxation on real property on or after July 1, 1994; and

WHEREAS: The City of Brunswick imposes a tax on incomes as defined by Ohio Revised Code Section 718 and Codified Ordinance Section 880; and

WHEREAS: The payroll of new employees resulting from the granting of certain exemptions to taxation on real property equals or exceeds one million dollars ($1,000,000.00); and

WHEREAS: The City of Brunswick and the Brunswick City School District are desirous of entering into an agreement for compensation to the Brunswick City School District relative to tax revenue the Brunswick City School District would have received had certain properties not been exempted from real property taxation for fiscal years 2019, 2020, 2021 and 2022.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: The City Manager/Safety Director is hereby authorized and directed to enter into the Agreement with the Brunswick City School District, as attached hereto as Exhibit “A”, upon the approval of the Law Director as to form.

SECTION 2: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading _____
2nd Reading _____

3rd Reading _____

RULES SUSPENDED: AYES ____ NAYS ___

ADOPTED: _____AYES ____ NAYS ____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

DRAFT
AGREEMENT BETWEEN THE CITY OF BRUNSWICK AND BRUNSWICK CITY SCHOOL DISTRICT

THIS AGREEMENT is entered into this ___ day of _____, ~~2010~~2019, by and between the City of Brunswick, Ohio (the "City"), a chartered municipal corporation existing and operating pursuant to the laws of the State of Ohio, with a business address of 4095 Center Road, Brunswick, Ohio 44212 and the Brunswick City School District, a political subdivision of the State of Ohio (the "School District"), with a business address of 3643 Center Road, Brunswick, Ohio 44212.

WHEREAS, Ohio Revised Code Section 5709.82 provides that if a municipal corporation has acted under the authority of Chapter 725 or~~f~~ 1728 or section 3735.671, 5709.40, 5709.41, 5709.62, 5709.63 or 5709.88 to grant or consent to the granting of an exemption ~~to~~from taxation for real or tangible personal property on or after July 1, 1994, the municipal corporation imposes a tax on incomes, and the payroll of new employees resulting from the exercise of that authority equals or exceeds one million dollars in any tax year for which such property is exempted, the legislative authority and the board of education of each city school district shall attempt to negotiate an agreement providing for compensation to the school district for all or a portion of the tax revenue the school district would have received had the property not been exempted from taxation;

WHEREAS, the City of Brunswick has acted under the authority provided by the Ohio Revised Code and pursuant to duly adopted Resolution No. 114-78, as amended by Resolution No. 101-09, by granting exemptions to taxation on real property on or after July 1, 1994;

WHEREAS, the City of Brunswick imposes a tax on incomes; and

WHEREAS, the payroll of new employees resulting from the granting of certain

exemptions to taxation on real property equals or exceeds one million dollars;

WHEREAS, the City and the School District are desirous of entering into an agreement for compensation to the School District relative to tax revenue the School District would have received had certain properties not been exempted from real property taxation for fiscal years ~~2008, 2009, 2010, 2011, 2012 and 2013~~ 2019, 2020, 2021 and 2022.

NOW, THEREFORE, in consideration of the mutual promises, covenants and obligations contained herein, the City and the School District hereby agree as follows:

1) The City and the School District hereby agree that the City shall pay the School District the total lump sum of $~~130,000.00~~ 173,045.00 ~~–~~for tax revenue lost by the School District as a result of exemptions to taxation on certain real properties for the fiscal year 2019 plus the "true-up" calculation for 2018.~~s 2008, 2009 and 2010.~~ ~~—~~The total ~~lump~~ sum payment ~~for fiscal years 2008, 2009 and 2010~~ shall be received by the School District within ~~ninety~~ thirty (~~9~~30) days of execution of this Agreement by the Parties hereto, upon proper approval of the City of Brunswick Council and the Brunswick City School District Board of Trustees.

2) The City and the School District hereby agree that the City shall pay the School District the total sum of ~~$111,000.00~~$162,100.00 ~~–~~for tax revenue lost by the School District as a result of exemptions to taxation on certain real properties for the fiscal year 2020~~2011~~. The total sum of $162,100.00 ~~111,000.00~~ shall be received by the School District no later than December 31, 2020~~11~~.

3) The City and the School District hereby agree that the City shall pay the School District the total sum of $164,900.00 ~~113,000.00~~ for tax revenue lost by the

School District as a result of exemptions to taxation on certain real properties for the fiscal year ~~2012~~2021. The total sum of $164,900.00~~113,000.00~~ shall be received by the School District no later than December 31, 2021~~12~~.

4) The City and the School District hereby agree that the City shall pay the School District the total sum of $~~115,000.00~~167,700.00 for tax revenue lost by the School District as a result of exemptions to taxation on certain real properties for the fiscal year 2022~~13~~. The total sum of $167,700.00~~115,000.00~~ shall be received by the School District no later than December 31, 2022~~13~~.

5) The City and the School District hereby agree that in the event a business locates in the City and that business is granted an exemption to taxation on real property by the City and that the payroll of new employees equals or exceeds one million dollars in fiscal years ~~–~~2020, 2021 and 2022~~2011, 2012 or 2013~~, the City and School District shall renegotiate the fixed rate due the School District for any fiscal year subject to this Agreement.

6) The City and School District hereby agree that in the event a business moves from the City and that business was granted an exemption to taxation on real property by the City and that the payroll of employees was equal to or exceeded one million dollars anytime in the previous five (5) fiscal years, the City and School District shall renegotiate the fixed rate due the School District for any fiscal year subject to this Agreement.

7) In the event of a material default by either Party in the performance of its obligations hereunder, the non-defaulting Party shall deliver to the other Party

written notice setting forth the nature of the default. The defaulting Party shall have thirty (30) days to cure the default. If the default is not cured to the satisfaction of the non-defaulting Party within such thirty (30) day period, the non-defaulting Party may initiate any and all legal action to ensure performance of this Agreement.

8) This Agreement shall be governed by the laws of the State of Ohio. This Agreement contains the entire agreement between the Parties and any amendment hereto shall be mutually agreed upon in writing by the Parties hereto.

9) All notices which either Party hereto may give shall be addressed, in the case of the City, as follows:

The City of Brunswick
Attn: City Manager/Safety Director
4095 Center Road
Brunswick, Ohio 44212

With a copy to:

Kenneth J. Fisher, Law Director
2100 Terminal Tower
50 Public Square
Cleveland, Ohio 44113

And in the case of the School District, as follows:

Brunswick City School District
Attn:_____
3643 Center Road
Brunswick, Ohio 44212

With a copy to:

_____
_____
_____

Such notices shall be delivered personally or sent by certified mail to the above addresses, or such other addresses as either Party may direct in writing.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed as of the date first written above.

Brunswick City School District

_____

By_____

Title_____

Date_____

The legal form and correctness of the within instrument are hereby approved.

_____

By_____

Title_____

City of Brunswick, Ohio

_____

By_____

Title_____

Date_____

The legal form and correctness of the within instrument are hereby approved.

_____
Kenneth J. Fisher, Director of Law

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 11/11/2019

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Grant Aungst

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 74-19** - An ordinance approving the revised detailed site plan for the Sanctus, LLC senior development located in the Senior Development Special Planning District NO. 5. - **2nd Reading** (Planning & Zoning Committee, *Administration/Grant Aungst*)

BACKGROUND: The Planning Commission held a public hearing on October 17, 2019, pursuant to Charter Section 6.02(c) and Section 1268.07(c) of the Codified Ordinances of the City of Brunswick, and recommended approval to City Council of the revised detailed site plan (Exhibit A) for the Sanctus, LLC senior development located north of Keller-Hanna Drive; south of St. Ambrose Church; and east of the Keller water towers (PP# 003-18B-31-539 and 003-18B-31-540). The development guidelines have remained the same.

PURPOSE AND EXPLANATION: City Council adopted the conceptual plan, development guidelines, and rezoning to Special Planning District No. 5 on February 25, 2019, Ordinance No. 13-19. A revised detailed site plan was submitted whereby as required by Section 1268.07(c), changes to the conceptual development plan of more than a cosmetic nature shall also be approved by City Council by ordinance. Furthermore, pursuant to Section 1268.07(d), once a Special Planning District is created, it may only be changed through the Charter provisions for zoning amendments. The conceptual plan shall remain in effect until changed by ordinance of Council as required for the initial adoption in Section 1268.06 of the Zoning Code.

IMPLEMENTATION SCHEDULE: First reading at City Council meeting on October 28, 2019.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

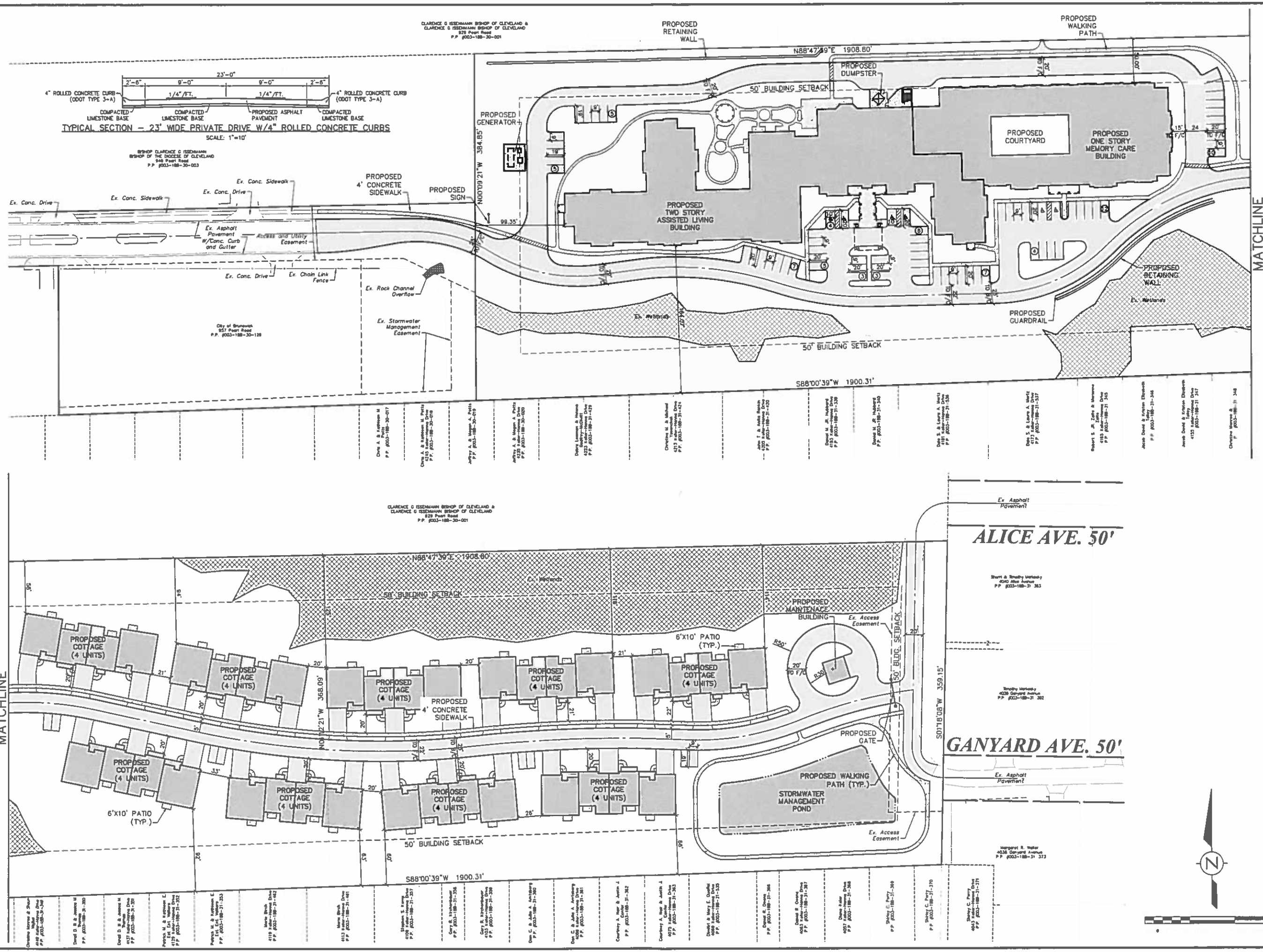
RECOMMENDED ACTION:

One Reading	No
Two Readings	No

Three Readings	Yes
Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?
Three readings

ADDITIONAL INFORMATION:



SANCTUARY HEALTH NETWORK

CITY OF BRUNSWICK LOCATED IN COUNTY OF MEDINA

CUNNINGHAM & ASSOCIATES, INC.
CIVIL ENGINEERING and SURVEYING
203 W. LIBERTY ST. MEDINA OHIO 44256 330-725-5900

PRELIMINARY SITE PLAN
DETAILED SITE PLAN

TEM 8/30/19

SHT 2 OF 4

MAYOR
RON FALCONI

CITY OF BRUNSWICK

COUNCIL
MICHAEL J. ABELLA, JR
ANTHONY P. CAPRETTA
JOSEPH P. DELSANTER
NICHOLAS HANEK
PATRICIA HANEK
BRIAN K. OUSLEY
ANDREA L. RODRIGUEZ

CITY MANAGER / SAFETY DIRECTOR
CARL S. DEFOREST

October 18, 2019

Frank Biller
Sanctus, LLC
10940 Parker Road
Parker, CO 80134

RE: Sanctus, LLC senior development
SPD-5
Brunswick, Ohio

Dear Mr. Biller:

The Brunswick City Planning Commission, at their meeting on October 17, 2019, voted to **recommend approval** to City Council of the Sanctus, LLC senior development revised detailed site plan, subject to the following:

1. The Planning Commission recommended approval to City Council of the rezoning to Special Planning District 5, along with the initial conceptual plan and design guidelines, on January 17, 2019, which City Council adopted on February 25, 2019 (Ordinance No. 13-19).

2. Pursuant to Section 1268.07(c) and (d), respectively, changes to the conceptual development plan of more than a cosmetic nature shall also be approved by City Council by ordinance; and once a Special Planning District is created, it may only be changed through the Charter provisions for zoning amendments. The first reading on the proposed legislation is scheduled for Council's meeting on October 28, 2019. Please contact Fijabi Gallam, Clerk of Council, at (330) 558-6845 for meeting times.

3. As permitted by Section 1278.03(h), the City Engineer requires the coordination of data from the traffic study with adjacent property owners and proposed development sites.

4. Per the Fire Department's request, show the private main to access the north drive and feed the required fire hydrants, along with the presumed location of the mechanical room, on the north side of the building.

5. Final site plan approval is subject to engineering approval.

6. Following engineering approval, necessary permits and inspections must be obtained from the Division of Building.

Please provide one set of complete engineering drawings and calculations to the City Engineer for review. The drawings and calculations submitted must include any plan revisions stipulated by the Planning Commission in their approval motion and listed above. The drawings and calculations submitted must each be signed and stamped by a registered Professional Engineer and be based upon a current topographic existing conditions survey of the site. The existing conditions survey shall be included in the project plan set and must be signed and stamped by the registered Professional Surveyor who performed the work.

Also, please ensure your design engineer reviews Chapter 1234 Erosion and Sediment Control; Chapter 1236 Storm Water Management; and Chapter 1238 Riparian Zones of the Brunswick Codified Ordinances, and includes any appropriate measures into the engineered plans and calculations. Should you or your design engineer have any questions regarding site plan requirements, please contact the Engineering Department at (330) 558-6880.

Section 1234.11 (effective February 11, 2008), requires the Storm Water Pollution Prevention Plan and Abbreviated Storm Water Pollution Prevention Plan review, filing, and inspection fee to be included as part of a complete submittal and is required to be submitted to the City of Brunswick before the review process begins. **Please remit payment in the amount of $2,500.00 for the above process when engineering detailed site plans are submitted.**

Effective February 7, 2007, the project applicant shall be responsible for all costs associated with the engineering review of a proposed project. The applicant shall post a review fee deposit, pursuant to Section 1278.03(g) of the Brunswick Codified Ordinances. **The City Engineer has established a review deposit of $15,000.00 for this project.** A check in that amount, made payable to the City of Brunswick, must be included with the submission of the engineered drawings and calculations. **The engineering review of the project will not begin until these funds have been placed on deposit with the City of Brunswick.**

It is important to note the deposit amount presented above is only an estimate. As engineering costs are incurred, a corresponding amount will be deducted from the deposit balance. Any funds that remain after the project has been constructed and accepted shall be returned to the entity or person that posted the funds initially. Should the deposit fall below 30% of the initial amount, the applicant may be required to deposit additional funds as determined by the City Engineer.

Upon completion of the review, the City Engineer will request **four final sets** of plans for signature purposes. After the plans are signed by the Planning Commission and City Engineer, one signed set will be returned to your attention.

Frank Biller October 18, 2019

The Zoning Code requires a **financial guarantee** "to insure that all site features, including, but not limited to, parking, drainage, sidewalks, screening, exterior lighting and landscaping, conform to the approved site plan." The guarantee amount must be based on an itemized estimate from a designer or contractor and must be approved by the City Engineer. The guarantee must be **in the form of cash, letter of credit, or performance bond**, unless another form is approved by the Law Director. The enclosed samples may be utilized for this purpose. Please contact the City Engineer for more information regarding the financial guarantee.

The record site plans, engineering approval, project cost estimate, and financial guarantee must all be in place before building permits can be issued.

The Commission's **site approval is valid for one year** from the date the Planning Commission voted to approve the project.

Please contact me at (330) 558-6865 if you have any questions.

Sincerely,

Pamela Plavecski,
Planning & Zoning Coordinator

enc.

c: Carl DeForest, City Manager
City Council
Grant Aungst, Community & Economic Dev. Director
Ken Fisher, Law Director
Matt Jones, Consulting City Engineer
Cliff Calaway, Chief Building Official
Buck Withers, Withers Design Group

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. __74-19__

BY: Mr. Delsanter, Mr. Hanek, and Mrs. Rodriguez

AN ORDINANCE APPROVING THE REVISED DETAILED SITE PLAN FOR THE SANCTUS, LLC SENIOR DEVELOPMENT LOCATED IN THE SENIOR DEVELOPMENT SPECIAL PLANNING DISTRICT NO. 5.

WHEREAS: On October 17, 2019, the Brunswick City Planning Commission recommended approval to City Council of the revised Detailed Site Plan for the Sanctus, LLC senior development located in the Senior Development Special Planning District No. 5.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: That the revised Detailed Site Plan for the Sanctus, LLC senior development located in the Senior Development Special Planning District No. 5, as attached hereto as Exhibit "A", is hereby approved subject to final engineering approvals.

SECTION 2: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 11/11/2019

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Jim Foster

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 75-19** - An emergency resolution authorizing the City Manager to enter into an agreement with W.B. Mason for the provision of office supplies for a period of one (1) year from January 1, 2020 through December 31, 2020, with two (2) separate one (1) year renewal options. - **2nd Reading** (Committee-of-the-Whole, *Administration/Jim Foster*)

BACKGROUND: Public bids were received and opened on September 24, 2019. Two bids were received with W. B. Mason, Inc. being the lowest and best vendor.

PURPOSE AND EXPLANATION: We would like this legislation read three times with suspension of the rules. There are a number of processes that must take place in order for a new ordering system to be up and running effective on January 1, 2020. By having this legislation effective after the third reading should allow this to happen. The first year contract would be effective January 1, 2020 through December 31, 2020.

IMPLEMENTATION SCHEDULE: Each department orders their own office supplies. Ordering and related expenses for office supplies by Department are limited to the Council adopted appropriations for each Department.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Each Department has a budget adopted by Council, which includes office supplies. All Departments must adhere to the budgets as established and adopted by Council pursuant to the Section 5705 of the Ohio Revised Code. The submitted bid would lock in pricing for office supply items.

RECOMMENDED ACTION:

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	Yes
Suspension of Rules	No

If emergency or suspension of the rules, why the request?

We would like this legislation read three times. Our current contract expires December 31, 2019. We need to be able to set up a new vendor and new ordering process prior to the end of the year.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 75-19

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH W.B. MASON FOR THE PROVISION OF OFFICE SUPPLIES FOR A PERIOD OF ONE (1) YEAR FROM JANUARY 1, 2020 THROUGH DECEMBER 31, 2020, WITH TWO (2) SEPARATE ONE (1) YEAR RENEWAL OPTIONS.

WHEREAS: The City of Brunswick received two (2) bids for provision of office supplies in accordance with public bidding requirements;

WHEREAS: The two (2) received public bids were opened on September 24, 2019, with W.B. Mason determined to be the lowest and best bidder; and

WHEREAS: The agreement with the City's current vendor is scheduled to expire as of December 31, 2019.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: That the City Manager, with the approval of the Law Director, is hereby authorized and directed to enter into an Agreement with W.B. Mason for the provision of office supplies for a period of one (1) year from January 1, 2020 through December 31, 2020, with two (2) separate one (1) year renewal options, in an amount not to exceed submitted bid prices.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary as the current Agreement for the provision of office supplies expires on December 31, 2019. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading October 28, 2019

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 11/11/2019

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 77-19** - An ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for warehousing and motor freight garages and truck or transfer terminal uses in the I-L Light Industrial District and the issuance of such approvals. - **2nd Reading** (Economic Development Committee, *Administration/Nicholas Hanek*)

BACKGROUND: The members of the Economic Development Committee would like the following extended for an additional six months from the date of conclusion.

39-19 Warehousing and Motor Freight Garages and Truck Transfer Terminals. Current legislation ends on Jan. 23, 2020. Given the time for review of the update to the comprehensive plan and the timing of legislation, they would like to move forward with the extension for the Oct. 28, 2019 Council meeting.

PURPOSE AND EXPLANATION:

IMPLEMENTATION SCHEDULE: Both for three readings.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?

Both for three readings.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 77-19

BY: Mr. Hanek, Mr. Ousley and Mrs. Hanek

AN ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING, OCCUPANCY AND/OR BUILDING PERMIT APPROVALS FOR WAREHOUSING AND MOTOR FREIGHT GARAGES AND TRUCK OR TRANSFER TERMINAL USES IN THE I-L LIGHT INDUSTRIAL DISTRICT AND THE ISSUANCE OF SUCH APPROVALS.

WHEREAS: On July 23, 2018, City Council adopted Ordinance No. 60-18, which established a six (6) month temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for warehousing and motor freight garages and truck or transfer terminal uses in the I-L Light Industrial District in the City, which temporary moratorium is set to expire on January 23, 2019;

WHEREAS: On January 14, 2019, City Council adopted Ordinance No. 103-18 extending the temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for warehousing and motor freight garages and truck or transfer terminal uses in the I-L Light Industrial District in the City for an additional six (6) months up to and including July 23, 2019;

WHEREAS: On July 22, 2019, City Council adopted Ordinance No. 39-19 extending the temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for warehousing and motor freight garages and truck or transfer terminal uses in the I-L Light Industrial District in the City for an additional six (6) months up to and including January 23, 2020;

WHEREAS: The City of Brunswick may legitimately regulate the location and approval of warehousing and motor freight garages and truck or transfer terminals, which are principally permitted uses in the I-L Light Industrial District per Codified Ordinance Section 1266.02(b) and (i), respectively; and

WHEREAS: This Council believes that extending the temporary moratorium on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for warehousing and motor freight garages and truck or transfer terminal uses in the I-L Light Industrial District in the City, and on the issuance of such approvals, will not deny property owners economically viable use of their property and will permit the City Administration, Council

and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: The six (6) month temporary moratorium extension established by Ordinance No. 39-19 shall be extended for a period of six (6) months up to and including July 23, 2020, wherein the City shall not accept or process any applications for zoning, occupancy and/or building permit approvals for warehousing and motor freight garages and truck or transfer terminal uses in the I-L Light Industrial District in the City, and further shall not issue any such approvals during said period.

SECTION 2: Whenever the provisions of this Ordinance conflict with any other Ordinance or any provision of the Codified Ordinances of the City, the provisions of this Ordinance shall control.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 11/11/2019

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 78-19** - An ordinance extending a temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for multi-family dwelling units in all zoning districts and the issuance of such approvals. - **2nd Reading** (Economic Development Committee, *Administration/Nicholas Hanek*)

BACKGROUND: The members of the Economic Development Committee would like the following extended for an additional six months from the date of conclusion.

40-19 Multifamily housing, currently ending on Feb. 12, 2020, and given the time for review of the update to the comprehensive plan and the timing of legislation, they would like to move forward with the extension for Oct. 28, 2019.

PURPOSE AND EXPLANATION:

IMPLEMENTATION SCHEDULE: Both for three readings.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?
Both for three readings.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO. 78-19

BY: Mr. Hanek, Mr. Ousley, and Mrs. Hanek

AN ORDINANCE EXTENDING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING, OCCUPANCY, CONDITIONAL USE AND/OR BUILDING PERMIT APPROVALS FOR MULTI-FAMILY DWELLING UNITS IN ALL ZONING DISTRICTS AND THE ISSUANCE OF SUCH APPROVALS.

WHEREAS: The City of Brunswick may legitimately regulate the location and approval of Multi-Family Dwelling Units, as defined in Codified Ordinance Section 1242.02(32)(c);

WHEREAS: On February 12, 2018, City Council adopted Ordinance No. 9-18, establishing a six (6) month temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for Multi-Family Dwelling Units in any Zoning District in the City effective as of February 12, 2018;

WHEREAS: On July 9, 2018, City Council adopted Ordinance No. 46-18 extending the temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for Multi-Family Dwelling Units in any Zoning District in the City for an additional six (6) months up to and including February 12, 2019;

WHEREAS: On February 11, 2019, City Council adopted Ordinance No. 3-19 extending the temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for Multi-Family Dwelling Units in any Zoning District in the City for an additional six (6) months up to and including August 12, 2019;

WHEREAS: On July 22, 2019, City Council adopted Ordinance No. 40-19 extending the temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for Multi-Family Dwelling Units in any Zoning District in the City for an additional six (6) months up to and including February 12, 2020; and

WHEREAS: This Council believes that extending the temporary moratorium on the acceptance and processing of applications for zoning, occupancy, conditional use and/or building permit approvals for Multi-Family Dwelling Units in any Zoning District in the City, and on the issuance of such approvals, will not deny property owners economically viable use of their property and will permit the

City Administration, Council and Planning Commission necessary time to undertake a review of the Brunswick Zoning Code and possible amendment thereof relative to the location and approval process for Multi-Family Dwelling Units.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: The six (6) month temporary moratorium extension established by Ordinance No. 40-19 shall be extended for a period of six (6) months up to and including August 12, 2020, wherein the City shall not accept or process any applications for zoning, occupancy, conditional use and/or building permit approvals for Multi-Family Dwelling Units in any Zoning District in the City, and further shall not issue any such approvals during said period.

SECTION 2: Whenever the provisions of this Ordinance conflict with any other Ordinance or any provision of the Codified Ordinances of the City, the provisions of this Ordinance shall control.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading_____

2nd Reading_____

3rd Reading_____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 11/11/2019

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Lynnette Ozanich

COPY: Mayor Ron Falconi

LEGISLATION: **ORD. NO. 79-19** - An emergency ordinance to formally close the Medina County Safe Communities Fund (#137), the OPWC Hadcock Phase III Fund (#367), and the Center Road Resurfacing Fund (#369) - **1st Reading** (To be brought from Finance Committee, *Administration/Lynnette Ozanich*)

BACKGROUND: On November 22, 2010, the Council of the City of Brunswick, Ohio, adopted Ordinance Number 116-10, creating the Medina County Safe Communities Grant Fund (#137) to account for the monies received through the Grant; and

On May 14, 2012, the Council of the City of Brunswick, Ohio, adopted Ordinance Number 55-12, creating the OPWC Hadcock Road Reconstruction Phase III Improvement Fund (#367) to account for the OPWC monies awarded to the City of Brunswick; and

On June 9, 2014, the Council of the City of Brunswick, Ohio, adopted Ordinance Number 60-14, creating the OPWC Center Road Resurfacing Fund (#369) to account for the OPWC monies awarded to the City of Brunswick; and

All obligations, for the listed funds, have been incurred and paid, and no outstanding obligations exist.

PURPOSE AND EXPLANATION: These funds are no longer needed for the purpose for which each fund was created.

IMPLEMENTATION SCHEDULE: This Council authorizes and directs the Director of Finance to close the Medina County Safe Communities Fund (#137), the OPWC Hadcock Road Reconstruction Phase III Improvement Fund (#367), and the OPWC Center Road Resurfacing Fund (#369) to be completed by the end of the year to sync with other end-of-year preparation.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: No Financial impact to close these funds as there are no dollars assigned to any.

RECOMMENDED ACTION:

One Reading	Yes
Two Readings	No
Three Readings	No
Emergency	Yes
Suspension of Rules	Yes

If emergency or suspension of the rules, why the request?

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety, welfare, and providing for the usual daily operation of a municipal department. An additional reason is to allow for closing of unneeded accounts before the end of the accounting year. Furthermore, this legislation is aiding in the training process and asking for suspension of the rules allows for the presenter to handle the entire process in one meeting.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
ORDINANCE NO 79-19

By: Mrs. Hanek, Mr. Ousley, and Mr. Delsanter

AN EMERGENCY ORDINANCE TO FORMALLY CLOSE THE MEDINA COUNTY SAFE COMMUNITIES FUND (#137), THE OPWC HADCOCK PHASE III FUND (#367), AND THE CENTER ROAD RESURFACING FUND (#369).

WHEREAS: On November 22, 2010, the Council of the City of Brunswick, Ohio, adopted Ordinance Number 116-10, creating the Medina County Safe Communities Grant Fund (#137) to account for the monies received through the Grant; and

WHEREAS: On May 14, 2012, the Council of the City of Brunswick, Ohio, adopted Ordinance Number 55-12, creating the OPWC Hadcock Road Reconstruction Phase III Improvement Fund (#367) to account for the OPWC monies awarded to the City of Brunswick; and

WHEREAS: On June 9, 2014, the Council of the City of Brunswick, Ohio, adopted Ordinance Number 60-14, creating the OPWC Center Road Resurfacing Fund (#369) to account for the OPWC monies awarded to the City of Brunswick; and

WHEREAS: All obligations, for the listed funds, have been incurred and paid, and no outstanding obligations exist.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY ORDAINS:

SECTION 1: These funds are no longer needed for the purpose for which each fund was created.

SECTION 2: This Council authorizes and directs the Director of Finance to close and remove the following funds from the City's Statement of Cash Position:

Fund	Fund Name
#137	Safe Communities Grant Fund
#367	OPWC Hadcock Road Reconstruction Phase III Improvement Fund
#369	OPWC Center Road Resurfacing Fund

SECTION 3: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the usual daily operation of a municipal government and for the additional reason to allow for closing of unneeded accounts before the end of the accounting year.

PASSED: 1st Reading _

RULES SUSPENDED: AYES ____ NAYS ___

ADOPTED: _____AYES ____ NAYS ____

ATTEST: _____

Clerk of Council
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 11/11/2019

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Ken Fisher

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 80-19** - An emergency resolution ratifying and confirming the renewal of the existing agreement with the Medina County Public Defender Commission and the Medina County Commissioners for Indigent Defense Services in Medina Municipal Court for municipal code violations from January 1, 2020 through December 31, 2020. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Ken Fisher*)

BACKGROUND: Resolution authorizing indigent defense services through the Medina County Public Defender for Calendar Year 2020.

PURPOSE AND EXPLANATION: Renewal of the Agreement for calendar year 2020.

IMPLEMENTATION SCHEDULE: January 1, 2020 through December 31, 2020 upon adoption of Resolution by Council.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: Costs are dependent on the number of appointed Public Defenders. Local budgets are established by City Council and expenses paid out of the Law Department's adopted budget. Amounts paid will be subject to sufficient Council appropriations and certified purchase orders pursuant to Ohio Revised Code Section 5705.41 D.

RECOMMENDED ACTION:

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	Yes
Suspension of Rules	No

If emergency or suspension of the rules, why the request?

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 80-19

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION RATIFYING AND CONFIRMING THE RENEWAL OF THE EXISTING AGREEMENT WITH THE MEDINA COUNTY PUBLIC DEFENDER COMMISSION AND THE MEDINA COUNTY COMMISSIONERS FOR INDIGENT DEFENSE SERVICES IN MEDINA MUNICIPAL COURT FOR MUNICIPAL CODE VIOLATIONS FROM JANUARY 1, 2020 THROUGH DECEMBER 31, 2020.

WHEREAS: The Ohio Public Defender is requiring that the Medina County Public Defender Commission enter into an updated agreement with the City for the provision of indigent defense services in Medina Municipal Court for municipal code violations containing a recognizable term and necessary clauses required by Ohio Administrative Code Section 120-1-09;

WHEREAS: On October 10, 2011, this Council adopted Resolution No. 72-11, which authorized the City Manager to enter into such Agreement from January 1, 2012 through December 31, 2012;

WHEREAS: On October 22, 2012, this Council adopted Resolution No. 100-12, which authorized the renewal of the existing Agreement from January 1, 2013 through December 31, 2013;

WHEREAS: On October 28, 2013, this Council adopted Resolution No. 86-13, which authorized the renewal of the existing Agreement from January 1, 2014 through December 31, 2014;

WHEREAS: On October 27, 2014, this Council adopted Resolution No. 82-14, which authorized the renewal of the existing Agreement from January 1, 2015 through December 31, 2015;

WHEREAS: On November 9, 2015, this Council adopted Resolution No. 88-15, which authorized the renewal of the existing Agreement from January 1, 2016 through December 31, 2016;

WHEREAS: On November 14, 2016, this Council adopted Resolution No. 64-16, which authorized the renewal of the existing Agreement from January 1, 2017 through December 31, 2017;

WHEREAS: On November 27, 2017, this Council adopted Resolution No. 104-17, which authorized the renewal of the existing Agreement from January 1, 2018 through December 31, 2018;

WHEREAS: On December 10, 2018, this Council adopted Resolution No. 90-18, which authorized the renewal of the existing Agreement from January 1, 2019 through December 31, 2019; and

WHEREAS: The Agreement must be renewed annually by Resolution of this Council pursuant to the requirements of the Ohio Public Defender's Office.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: This Council hereby ratifies and confirms the renewal of the exiting Agreement with the Medina County Public Defender and the Medina County Commissioners for indigent defense services in Medina Municipal Court for municipal code violations from January 1, 2020 through December 31, 2020.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary as the current Agreement for the provision of indigent defense services expires on December 31, 2019. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES_____NAYS_____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 11/11/2019

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Jim Foster

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 81-19** - A resolution permitting the City Administration to sell, through public internet auctions, personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired for the year 2020. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/Jim Foster*)

BACKGROUND: For the past several years we have utilized the internet auction for sale of personal property of the City of Brunswick. City Council is required to adopt an annual resolution permitting the City to utilize the internet auction provisions of O.R.C. Section 721.15.

PURPOSE AND EXPLANATION: In order to allow the City Administration to sell, through public internet auctions, personal property, including motor vehicles acquired for the use of municipal offices and departments, and road machinery, equipment, tools or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired, legislation must be adopted by City Council annually.

IMPLEMENTATION SCHEDULE: This legislation would be effective January 7, 2020.

FINANCIAL INFORMATION:

FINANCIAL SUMMARY: The fiscal impact comes in the disposal or sale of an asset and the receipt of sale proceeds. The financial impact ultimately depends on the volume and the type of items. Historical capital asset sale proceeds are receipted into the capital account of the department who owns or possessed the item being sold. If the asset is not claimed by a particular department, the proceeds are generally deposited into the City's Capital Improvement Fund.

RECOMMENDED ACTION:

One Reading	No
Two Readings	No
Three Readings	Yes
Emergency	No
Suspension of Rules	No

If emergency or suspension of the rules, why the request?
This legislation is required to be read three (3) times.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 81-19

BY: Committee-of-the-Whole

A RESOLUTION PERMITTING THE CITY ADMINISTRATION TO SELL, THROUGH PUBLIC INTERNET AUCTIONS, PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES ACQUIRED FOR THE USE OF MUNICIPAL OFFICERS AND DEPARTMENTS, AND ROAD MACHINERY, EQUIPMENT, TOOLS, OR SUPPLIES, WHICH ARE NOT NEEDED FOR PUBLIC USE, OR ARE OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED FOR THE YEAR 2020.

WHEREAS: Ohio Revised Code Section 721.15 permits municipalities to sell obsolete/unfit items by internet auction; and

WHEREAS: An annual Resolution adopted by City Council is required to permit the City to utilize the internet auction provision of ORC Section 721.15.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: That this Council hereby permits the City Administration to utilize the internet auction for the sale of personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which are not needed for public use, or are obsolete or unfit for the use for which it was acquired for the year 2020.

SECTION 2: That the Clerk of Council shall cause notice of the adoption of this resolution to be published, in a newspaper of general circulation in the City, of the City's intent to sell unneeded, obsolete or unfit municipal personal property by internet auction. The notice shall include a summary of the information provided in this Resolution and shall be published at least two (2) times. The second and any subsequent notice shall be published not less than ten (10) nor more than twenty (20) days after the previous notice.

SECTION 3: That the Clerk of Council shall cause a notice to be posted continually throughout the calendar year in a conspicuous place in the offices of the Clerk of Council and the City Council and shall cause said notice to be posted continuously throughout the year on the City website.

SECTION 4: That the City shall conduct the internet auction via eBay (or other similar bidding site as long as notice is given) using the parameters provided by the auction site. Minimum price or reserve may be set, but is not required by law.

SECTION 5: That bidding shall continue for no less than fifteen (15) days, including Saturdays, Sundays and legal holidays, and shall be set for each item as noted on the internet auction site.

SECTION 6: That all terms and conditions of sale, including but not limited to pick-up and delivery, method of payment, sales tax, complete descriptions and/or pictures of the items, shall be specified for each item on the internet auction site.

SECTION 7: That the highest bidder upon the close of the open bidding period will be deemed to be the successful bidder of the internet auction. Upon the close of the auction, the City shall remit an invoice to the successful bidder for the amount of the bid. The successful bidder shall remit the entire payment within ten days of receipt of the invoice. Acceptable forms of payment include cashier's check, certified check, or money order. Other payment arrangements may be made by the City where circumstances warrant. Payment options such as on-line payment systems and PayPal or similar services are acceptable payment options. Notwithstanding the foregoing, all payment options are subject to the approval of the City's Finance Director.

SECTION 8: That all communication with the successful bidder shall occur in writing. Arrangements and costs associated with delivery to the successful bidder shall be the sole responsibility of the successful bidder. Risk of loss will be transferred to the successful bidder upon the tendering of the goods to the shipping company chosen by the successful bidder.

SECTION 9: That all items shall be sold without warranty in "AS IS" condition. All advertisements, listings, and notices shall be subject to the following language:

"The City of Brunswick, its officers, employers and agents offer this item for sale "AS IS" without any warranty or condition, express, implied or statutory. The City of Brunswick, its officers, employers and agents, specifically disclaim any implied warranties of title, merchantability, fitness for a particular purpose and non-infringement."

SECTION 10: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 11: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 1st Reading _____

2nd Reading _____

3rd Reading _____

ADOPTED: _____ AYES_____NAYS_____

ATTEST: _____

Clerk of Council
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 11/11/2019

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Robert Marok

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 82-19** - An emergency resolution authorizing the City Manager to purchase Cisco switching equipment from SHI, Inc. in an amount not to exceed $45,500.00. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/ Robert Marok*)

BACKGROUND: Cityhall switches are end of life and have been production for over nineteen years. The replacement was budgeted for this year. Due to the size of the project the discounting provided will also allow for the replacement of the switching equipment at the rec center. All other buildings were requested in budget for next year.

Cisco switching equipment from SHI, Inc. would be at a cost below State contract pricing and not to exceed $45,500.00.

PURPOSE AND EXPLANATION: Due to end of life state of the switches, a total replacement at cityhall was scheduled for this year.

IMPLEMENTATION SCHEDULE: Upon council passage

FINANCIAL INFORMATION: - - General Fund #001 - IT Capital Subfund #904 - 904-0302-56252 - - 45500

FINANCIAL SUMMARY:

RECOMMENDED ACTION:

One Reading	Yes
Two Readings	No
Three Readings	No
Emergency	Yes
Suspension of Rules	Yes

If emergency or suspension of the rules, why the request?

The City hall switches serve the all city departments and maintain police and fire as well all city services.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 82-19

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE CISCO SWITCHING EQUIPMENT FROM SHI, INC. IN AN AMOUNT NOT TO EXCEED $45,500.00.

WHEREAS: The City of Brunswick belongs to the State Procurement Program under the direction of the Department of Administrative Services;

WHEREAS: Ohio Revised Code Section 125.04(C) permits the City to purchase supplies or services from another party without competitive bidding and outside the State Procurement Program if such supplies or services can be purchased under equivalent terms, conditions and specifications, but at a lower price than through the State Procurement Program; and

WHEREAS: The proposed purchase of Cisco switching equipment from SHI, Inc., in an amount not to exceed $45,500.00, is upon equivalent terms, conditions and specifications and at a lower price than through the State Procurement Program.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: That the City Manager is hereby authorized to purchase Cisco switching equipment from SHI, Inc. in an amount not to exceed $45,500.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to allow for replacement of the switching equipment as soon as possible. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading_____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 11/11/2019

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Robert Marok

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 83-19** - An emergency resolution authorizing the City Manager to purchase a replacement storage area network from SHI, INC. in an amount not to exceed $65,000.00. - **1st Reading** (To be brought from Committee-of-the-Whole, *Administration/ Robert Marok*)

BACKGROUND: The City's computer storage is made up of several various units. This scheduled replacement will become primary storage and the oldest unit will be decommissioned. This will be replacing a unit that is five years old.

Purchase of a replacement SAN (storage area network) from SHI, Inc. would be at a cost below State of Ohio contract pricing at a price not to exceed $65,000.

PURPOSE AND EXPLANATION: This is a scheduled replacement and will serve to start cycling equipment before it is having issues due to age of equipment.

IMPLEMENTATION SCHEDULE: Upon adoption, server will be ordered

FINANCIAL INFORMATION: SAN replacement - 11/12/2019 - General Fund #001 - IT Capital Subfund #904 - 904-0302-56252 - - 65000

FINANCIAL SUMMARY: This project was budgeted for and is within budget.

RECOMMENDED ACTION:

One Reading	Yes
Two Readings	No
Three Readings	No
Emergency	Yes
Suspension of Rules	Yes

If emergency or suspension of the rules, why the request?

This storage unit will become primary for police, 911, finance and email services. Severing the 911 center, Finance and the city as a whole.

ADDITIONAL INFORMATION:

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 83-19

BY: Committee-of-the-Whole

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A REPLACEMENT STORAGE AREA NETWORK FROM SHI, INC. IN AN AMOUNT NOT TO EXCEED $65,000.00.

WHEREAS: The City of Brunswick belongs to the State Procurement Program under the direction of the Department of Administrative Services;

WHEREAS: Ohio Revised Code Section 125.04(C) permits the City to purchase supplies or services from another party without competitive bidding and outside the State Procurement Program if such supplies or services can be purchased under equivalent terms, conditions and specifications, but at a lower price than through the State Procurement Program; and

WHEREAS: The proposed purchase of a replacement storage area network from SHI, Inc., in an amount not to exceed $65,000.00, is upon equivalent terms, conditions and specifications and at a lower price than through the State Procurement Program.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: That the City Manager is hereby authorized to purchase a replacement storage area network from SHI, Inc. in an amount not to exceed $65,000.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary to allow for replacement of the storage area network as soon as possible. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading_____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

THE CITY OF BRUNSWICK

PROPOSED LEGISLATION

DATE: 11/11/2019

TO: Vice Mayor Michael Abella Jr. and Members of City Council

FROM: Carl S. DeForest, City Manager
Paul Barnett

COPY: Mayor Ron Falconi

LEGISLATION: **RES. NO. 84-19** - An emergency resolution authorizing the City Manager to enter into an agreement with Matt Winters Excavating, LLC for the service garage trench drain replacement project in an amount not to exceed $59,505.00. - **1st Reading** (To be brought from Services, Utilities, Technology & Cable Committee, *Administration/ Matt Jones*)

BACKGROUND: Authorization for public bid granted by City Council motion on September 9, 2019.

PURPOSE AND EXPLANATION: This project will facilitate the complete removal and replacement of the floor drainage system inside the Service Department garage at 1238 West 130th Street.

Recommendation is to accept the lowest and best bid received.

IMPLEMENTATION SCHEDULE: The project will commence in late November and will take approximately 15 working days to complete.

FINANCIAL INFORMATION: Service Garage Trench Drain Replacement project - - Capital Projects Improvement Fund #300 - 300-0522-56250 - - 59505

FINANCIAL SUMMARY: This project is in the 2019 budget for the Capital Improvement Fund #300.

RECOMMENDED ACTION:

One Reading	Yes
Two Readings	No
Three Readings	No
Emergency	Yes
Suspension of Rules	Yes

If emergency or suspension of the rules, why the request?

It is requested that legislation is passed by emergency measure with suspension of the rules for the immediate preservation of the public peace, property, health, safety, or welfare, and providing for the usual daily operation of a municipality, and for the further reason that this project may commence and be completed in 2019.

ADDITIONAL INFORMATION:

BID TABULATION

BRUNSWICKSERVICE GARAGE TRENCH DRAIN

CITY OF BRUNSWICK

CVE JOB NO. 19208 DATE: NOVEMBER 6, 2019

Engineer's Estimate $60,000.00

ITEM	DESCRIPTION	UNIT	QTY.	MATT WINTERS EXCAVATING LLC		MARKS CONSTRUCTION, INC.		SET IN STONE CONTRACTING, LLC	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	NON-BOLTED TRENCH DRAIN	LF	148	$280.00	$41,440.00	$278.00	$41,144.00	$342.00	$50,616.00
2	4" SANITARY CONNECTION	EACH	5	$625.00	$3,125.00	$100.00	$500.00	$500.00	$2,500.00
3	4" CLEANOUT	EACH	5	$450.00	$2,250.00	$265.00	$1,325.00	$500.00	$2,500.00
4	4" SANITARY SEWER	LF	165	$36.00	$5,940.00	$25.00	$4,125.00	$31.50	$5,197.50
5	304 AGGREGATE BASE	CY	5	$125.00	$625.00	$160.00	$800.00	$130.00	$650.00
6	6" CONCRETE FLOOR SLAB REMOVE & REPLACE	SF	700	$8.75	$6,125.00	$24.52	$17,164.00	$12.00	$8,400.00
TOTAL PROJECT COST				**TOTAL**	**$59,505.00**	**TOTAL**	**$65,058.00**	**TOTAL**	**$69,863.50**
				DAYS TO COMPLETE: 16 WORKING DAYS		DAYS TO COMPLETE 7-10 BUSINESS DAYS		DAYS TO COMPLETE: 20	
				EARLIEST START DATE: 11/18/2019		EARLIEST START DATE: 10 DAYS AFTER NTP		EARLIEST START DATE: 12/02/2019	
	ALTERNATE BID	**UNIT**	**QTY.**	**UNIT PRICE**	**TOTAL PRICE**	**UNIT PRICE**	**TOTAL PRICE**	**UNIT PRICE**	**TOTAL PRICE**
ALT 1	BOLTED TRENCH DRAIN ASSEMBLY	LF	148	$335.00	$49,580.00	$314.00	$46,472.00	$480.00	$71,040.00
				TOTAL ALT	**$67,645.00**	**TOTAL**	**$70,386.00**	**TOTAL**	**$90,287.50**

ITEM	DESCRIPTION	UNIT	QTY.	COOK PAVING & CONSTRUCTION CO., INC.		INFINITY PAVING CO.		THE R.J. PLATTEN CONTRACTING CO.	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	NON-BOLTED TRENCH DRAIN	LF	148	$370.00	$54,760.00	$420.72	$62,266.56	$476.00	$70,448.00
2	4" SANITARY CONNECTION	EACH	5	$450.00	$2,250.00	$750.00	$3,750.00	$1,100.00	$5,500.00
3	4" CLEANOUT	EACH	5	$600.00	$3,000.00	$500.00	$2,500.00	$350.00	$1,750.00
4	4" SANITARY SEWER	LF	165	$25.00	$4,125.00	$59.00	$9,735.00	$60.00	$9,900.00
5	304 AGGREGATE BASE	CY	5	$150.00	$750.00	$145.00	$725.00	$100.00	$500.00
6	6" CONCRETE FLOOR SLAB REMOVE & REPLACE	SF	700	$21.00	$14,700.00	$9.64	$6,748.00	$12.80	$8,960.00
TOTAL PROJECT COST				**TOTAL**	**$79,585.00**	**TOTAL**	**$85,724.56**	**TOTAL**	**$97,058.00**
				DAYS TO COMPLETE: 21		DAYS TO COMPLETE: 15 DAYS		DAYS TO COMPLETE: 30 DAYS	
				EARLIEST START DATE: 2 WEEKS AFTER NTP		EARLIEST START DATE: *		EARLIEST START DATE: 11/11/2019	
	ALTERNATE BID	**UNIT**	**QTY.**	**UNIT PRICE**	**TOTAL PRICE**	**UNIT PRICE**	**TOTAL PRICE**	**UNIT PRICE**	**TOTAL PRICE**
ALT 1	BOLTED TRENCH DRAIN ASSEMBLY	LF	148	$380.00	$56,240.00	$ 574.34	$85,002.32	$540.00	$79,920.00
				TOTAL ALT	**$81,065.00**	**TOTAL**	**$108,460.32**	**TOTAL**	**$106,530.00**

* Non Bolted Trench Drain is 2 weeks delivery
*Bolted Trench Drain is 6-8 weeks delivery

M E M O

Engineering Department

TO: City Council
FROM: Matthew M. Jones, P.E.
DATE: November 11, 2019
RE: Service Garage Trench Drain Replacement

On November 6, 2019, public bids were opened for the Service Garage Trench Drain Replacement project. A tabulation of the bid results is attached for your reference. Six companies submitted bids for the project. The low bidder for the project was Matt Winters Excavating, LLC with a base bid of $59,505.00. The Engineer's estimate was $60,000.00. Marks Construction was the second low bidder at $65,058.00.

This project will facilitate the complete removal and replacement of the trench drain system inside the Service Department garage at 1238 West 130th Street. Also included in the scope of work is replacement of the parallel sanitary sewer piping and tie-ins for the trench drain, and replacement of the adjacent portion of the concrete floor slab as needed to install the new drain and piping.

CVE staff has contacted a sampling of references provided by Matt Winters Excavating. The reference check did not find any recurring issues with Winters. Two municipalities were contacted regarding two similar projects, and all classified Winters as an above average contractor.

Based upon a review of the bid documents and other references, it is my opinion that Winters has the needed experience, personnel and equipment to successfully complete the work as bid and should be considered the lowest and best bidder for this project.

Therefore, I respectfully request that City Council consider emergency legislation to award a contract in the amount of $59,505.00 to Matt Winters Excavating, LLC to complete the Service Garage Trench Drain Replacement project.

If you have any questions or require any additional information, please contact me at your convenience.

Attachments

C: Carl DeForest, City Manager
Paul Barnett, Service Director
Todd Fischer, Finance Director
Ken Fisher, Law Director

CITY OF BRUNSWICK, OHIO
RESOLUTION NO. 84-19

BY: Mrs. Rodriguez. Mr. Capretta, and Mr. Hanek

AN EMERGENCY RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MATT WINTERS EXCAVATING, LLC FOR THE SERVICE GARAGE TRENCH DRAIN REPLACEMENT PROJECT IN AN AMOUNT NOT TO EXCEED $59,505.00.

WHEREAS: The City of Brunswick received six (6) bids for the Service Garage Trench Drain Replacement Project (the "Project") in accordance with public bidding requirements; and

WHEREAS: The six (6) received public bids were opened on November 6, 2019 with Matt Winters Excavating, LLC determined to be the lowest and best bidder.

WHEREAS: THE COUNCIL OF THE CITY OF BRUNSWICK HEREBY RESOLVES:

SECTION 1: That the City Manager, with the approval of the Law Director, is hereby authorized and directed to enter into an Agreement with Matt Winters Excavating, LLC for the Service Garage Trench Drain Replacement Project in an amount not to exceed $59,505.00.

SECTION 2: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety or welfare, and for the additional reason that immediate passage is necessary for completion of the Project during the 2019 construction season. Therefore, the same shall be in full force and effect from and after its passage by the required number of votes or from the earliest time allowed by law.

PASSED: 1st Reading_____

Rules Suspended: AYES _____ NAYS _____

ADOPTED: _____ AYES _____ NAYS _____

ATTEST: _____
Clerk of Council
Fijabi Julien-Gallam, CMC

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

1042238 PERMIT NUMBER	NEW TYPE	NEINER GROUP LLC DBA 9ERS DINER 63 PEARL RD BRUNSWICK OH 44212
ISSUE DATE		
10 29 2019 FILING DATE		
D5 PERMIT CLASSES		
52 TAX DISTRICT 022	C	C54396 RECEIPT NO.

FROM 11/01/2019

PERMIT NUMBER	TYPE	
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT		RECEIPT NO.

MAILED 11/01/2019 RESPONSES MUST BE POSTMARKED NO LATER THAN. 12/02/2019

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES C NEW 1042238
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐
DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature) (Title)- ☐ Clerk of County Commissioner (Date)
☐ Clerk of City Council
☐ Township Fiscal Officer

CLERK OF BRUNSWICK CITY COUNCIL
4095 CENTER RD
BRUNSWICK OHIO 44212

Commerce Division of Liquor Control : Web Database Search

OWNERSHIP DISCLOSURE INFORMATION

This online service will allow you to obtain ownership disclosure information for issued and pending retail liquor permit entities within the State of Ohio.

Searching Instructions

Enter the known information and click the "Search" button. **For best results, search only ONE criteria at a time.** If you try to put too much information and it does not match exactly, the search will return a message "No records to display".

The information is sorted based on the Permit Number in ascending order.

To do another search, click the "Reset" button.

SEARCH CRITERIA

Permit Number	1042238
Permit Name / DBA	
Member / Officer Name	

Search **Reset** **Main Menu**

	Member/Officer Name	Shares/Interest	Office Held
	Permit Number: 1042238; **Name**: NEINER GROUP LLC; **DBA**: DBA 9ERS DINER; **Address**: 63 PEARL RD BRUNSWICK 44212		
	EDWARD M NEINER	5% MEMBER	PRESIDENT

- Ohio.Gov
- Ohio Department of Commerce

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